

Non-Federal Resource Commitments in Post-2011 Contracts

1. Declarations under Section 5(b)

The post-2011 power contracts should allow customers who wish to do so to dedicate non-federal resources to retail load service under Section 5(b) of the Regional Act. Such a dedication would carry with it all of the rights and obligations that pertain to such resources under that section of the Regional Act, and would constitute a commitment to use the non-federal resource so dedicated to serve retail load as long as required by the Regional Act. Non-federal resources so dedicated would be eligible for the Resource Support Service to be offered by BPA, and could be declared in any of the shapes permitted under the Public Power resource shaping proposal.

2. Contractual Commitments of Unspecified Resources

The post-2011 power contracts should also allow customers to contractually dedicate to retail load service non-federal resources for periods less than the life of the resource. In particular, these contracts should provide that unspecified non-federal resources can, with prior notice as required by the contract (currently 3 years as proposed by BPA), be contractually committed to retail load service for a minimum of the standard resource commitment period (currently 5 years as proposed by BPA) and up to the remaining contract term. Non-federal resources so contractually committed would have no right to the Resource Support Service to be offered by BPA, and could be declared in any of the shapes permitted under the Public Power resource shaping proposal.